

Application Serial No. 10/743,125
Response dated March 5, 2007
Reply to Office Action of December 5, 2006

REMARKS

The above-identified application has been reviewed in light of the Office Action dated December 5, 2006. By the present amendment, the Applicant has amended claims 11-15, has canceled claims 16-19, and added new claims 20 and 21. As such, claims 11-15, 20, and 21 are currently pending. It is respectfully submitted that the amendments made to claims 11-15 are fully supported by the specification, introduce no new matter, and are patentable over the prior art of record. Accordingly, the Applicant respectfully requests reconsideration and allowance of the claims pending in this applicaiton.

In the Office Action dated December 5, 2006, claims 11-19 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 11 of co-pending Application No. 10/729,634. In addition, claims 11-19 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 7 of co-pending Application No. 10/743,192. Further still, claims 11-19 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 15-21 of co-pending Application No. 10/729,768. As indicated above, claims 16-19 have been cancelled. Accordingly, the Applicant respectfully requests that provisional rejection of claims 16-19 under the doctrine of obviousness-type double patenting be withdrawn. With respect to claims 11-15, in response to each of the aforementioned provisional double-patenting rejections, the Applicant will file a suitable terminal disclaimer upon indication that claims 11-15 are otherwise allowable.

In the Office Action, claims 11-19 were rejected under 35 U.S.C. § 102 (b) as being anticipated over U.S. Patent No. 4,295,464 to Shihata (hereinafter “Shihata”). In the Office Action, the Examiner asserted that Shihata discloses a retractor comprising a shaft, an inflatable

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bladder which is eccentrically mounted on the shaft, and a cannula having a passage which receives the shaft to deploy the bladder at a target site in tissue. The Applicant respectfully submits, however, that Shihata fails to disclose or suggest the retractor recited in amended independent claim 11.

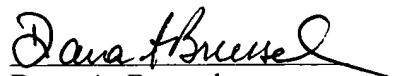
As amended, independent claim 11 recites a retractor including a shaft, a plurality of inflatable bladders disposed on the shaft, wherein "at least one of the inflatable bladders being configured to cause a region of the shaft to become more rigid when the at least one inflatable bladder is inflated." Shihata, in contrast, discloses a ureteric stone extractor comprising first and second catheter means with first and second inflatable means or bladders, respectively. In Shihata, the first bladder applies an outward radial force to the ureter inner walls to produce a distended area. The second bladder is then inflated and manually manipulated to move any ureteral stones into that distended area. At no point does Shihata disclose or suggest that "at least one of the inflatable bladders being configured to cause a region of the shaft to become more rigid when the at least one inflatable bladder is inflated," as recited in amended independent claim 11. It is respectfully submitted, therefore, that Shihata fails to disclose or suggest each and every limitation recited in claim 11. Accordingly, it is respectfully submitted that claim 11 is in condition for allowance. As claims 12-15 depend, directly or indirectly, from claim 11, it is further submitted that these claims are also allowable.

By the present amendment, the Applicant has added new claims 20 and 21. As discussed hereinabove, Shiata fails to disclose or suggest the retractor recited in amended claim 11. Since new claims 20 and 21 depend from claim 11, it is respectfully submitted that these claims are also in condition for allowance.

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In view of the foregoing amendments and remarks, it is respectfully submitted that all claims presently pending in the application, namely claims 11-15, 20, and 21, are in condition for allowance. Should the Examiner believe that a telephone or personal interview may facilitate resolution of any remaining matters, the Examiner is respectfully requested to contact the Applicant's undersigned attorney at the telephone number indicated below.

Respectfully submitted,


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